THE BOMBAY ANIMAL PRESERVATION ACT, 1948.

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SCHEDULE.

BOMBAY ACT No. LXXXI OF 1948.[1]

[THE BOMBAY ANIMAL PRESERVATION ACT, 1948.]

[*8th February 1949.*]

An Act to provide for the preservation of animals suitable for milch, breeding or for agricultural purposes.

WHEREAS it is expedient to provide for the preservation of animals suitable for milch, breeding or for agricultural purposes; It is hereby enacted as follows:—

Short title, extent and operation.

1. (*1*) This Act may be called the Bombay Animal Preservation Act, 1948.

(*2*) It extends to the whole of the Province of Bombay.

(*3*) This section shall come into force at once. The Provincial Government may, by notification in the *Official Gazette*, direct that the rest of this Act shall come into force in such area and on such date as may be specified in the notification.

Application of Act.

2. (*1*) This Act applies, in the first instance, to the animals specified in the Schedule.

(*2*) The Provincial Government may, by notification in the *Official Gazette*, apply the provisions of this Act to any other animal, which in its opinion, it is, desirable to preserve.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Veterinary Officer" means an officer or person appointed or invested with powers under section 4 of this Act;

(*2*) "prescribed" means prescribed by rules made under this Act.

Appointment of Veterinary Officer.

4. The Provincial Government may, by notification in the *Official Gazette*, appoint any officer to be a Veterinary Officer for any particular area and assign to him such powers and duties under this Act or the rules made thereunder, as it may deem fit.

Prohibition against slaughter without certificate from Veterinary Officer.

5. (*1*) Notwithstanding any law for the time being in force or any usage to the contrary, no person shall slaughter, attempt to slaughter or cause to be slaughtered any animal unless, he has obtained in respect of such animal a certificate in writing from a Veterinary Officer appointed for the area that the animal is fit for slaughter:

Provided that an animal shall not be deemed to be fit for slaughter, if, in the opinion of the Veterinary Officer appointed for the area,—

(*a*) such animal, whether male or female, is or likely to become useful for the purpose of draught or any kind of agricultural operations;

(*b*) such animal, if male, is useful or likely to become useful for the purpose of breeding;

(*c*) such animal, if female, is useful or likely to become useful for the purpose of giving milk or bearing offspring.

(*2*) Nothing in this section shall apply to the slaughter of any animal above the age of fifteen years for *bona fide* religious purposes:

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1948, Part V, page 445.

Provided that a certificate in writing for such slaughter has been obtained from a Veterinary Officer.

(*3*) Any person aggrieved by the opinion of a Veterinary Officer that the animal is not fit for slaughter for any of the reasons specified in clauses (*a*), (*b*) and (*c*) of the proviso to sub-section (*1*) may, within fifteen days from the date of the communication of such opinion, prefer an application to the Provincial Goverment and the Provincial Government may pass such order on the application as it thinks fit.

(*4*) The Provincial Government may also at any time for the purpose of satisfying itself as to the legality or propriety of any order passed by a Veterinary Officer under sub-section (*1*) call for and examine the records of the case and may pass such order in reference thereto as it thinks fit.

(*5*) A certificate under this section shall be granted in such form and on payment of such fee as may be prescribed.

Power of Veterinary Officer or officer authorised by him to enter premises or place and inspect premises.

6. (*1*) For the purposes of this Act, a Veterinary Officer or a person authorised by him in this behalf shall have power to enter and inspect any premises or other place whereat he has reason to believe that an offence under this Act has been or is likely to be committed.

(*2*) Every person on the premises or the other place shall allow the Veterinary Officer or the person authorised access to, and to inspect, the premises or the other place and answer truthfully any question asked of him.

Penalties.

7. Whoever does any act in contravention of section 5 or 6 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Offences under this Act cognizable.

8. Offences under this Act shall be cognizable.

Veterinary Officer to be public servant.

9. Every Veterinary Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Protection of persons acting in good faith under the Act or rules.

10. No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or rules thereunder.

Power of Government to make rules.

11. (*1*) The Provincial Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

(*a*) the powers and duties of Veterinary Officers, in addition to those provided in this Act;

(*b*) the form of the certificate under section 5;

(*c*) the amount of the fee to be paid under section 5;

(*d*) any other matter which is or may be prescribed.

(*3*) The rules made under this section shall be subject to the condition of previous publication in the *Official Gazette*.

Delegation of powers and functions of Provincial Government to local authority or officer of Government.

12. The Provincial Government may, by notification in the *Official Gazette*, delegate—

(*i*) to any local authority, its powers and functions under section 4 within the local area subject to the jurisdiction of the local authority,

(*ii*) to any officer of the Provincial Government its powers and functions under sub-sections (*3*) and (*4*) of section 5.

Saving.

13. This Act shall not apply to the slaughter of any animal operated upon for vaccine lymph, serum, or for any experimental purposes at an institution established, conducted or recognised by the Provincial Government.

Opinion of Veterinary Officer as to age final.

14. Where any question arises whether an animal has or has not attained the age of fifteen years for the purpose of sub-section (*2*) of section 5, the opinion of the Veterinary Officer for the area shall be final and shall not be called in question in any Court.

SCHEDULE.

[Section 2 (*1*).]

Boines (bulls, bullocks, cows, calves, male and female buffaloes and buffalo-calves).